



General Assembly

January Session, 2013

Raised Bill No. 6701

LCO No. 5544



Referred to Committee on JUDICIARY

Introduced by:
(JUD)

***AN ACT CONCERNING CHILD ENDANGERMENT WHILE OPERATING
A MOTOR VEHICLE WHILE UNDER THE INFLUENCE OF
INTOXICATING LIQUOR OR DRUGS.***

Be it enacted by the Senate and House of Representatives in General
Assembly convened:

1 Section 1. Subsection (g) of section 14-227a of the general statutes is
2 repealed and the following is substituted in lieu thereof (*Effective*
3 *October 1, 2013*):

4 (g) Any person who violates any provision of subsection (a) of this
5 section shall: (1) For conviction of a first violation, (A) be fined not less
6 than five hundred dollars or more than one thousand dollars, except as
7 provided in subparagraph (D) of this subdivision, and (B) be (i)
8 imprisoned not more than six months, forty-eight consecutive hours of
9 which may not be suspended or reduced in any manner, except as
10 provided in subparagraph (D) of this subdivision, or (ii) imprisoned
11 not more than six months, except as provided in subparagraph (D) of
12 this subdivision, with the execution of such sentence of imprisonment
13 suspended entirely and a period of probation imposed requiring as a
14 condition of such probation that such person perform one hundred

15 hours of community service, as defined in section 14-227e, and (C)
16 have such person's motor vehicle operator's license or nonresident
17 operating privilege suspended for forty-five days and, as a condition
18 for the restoration of such license, be required to install an ignition
19 interlock device on each motor vehicle owned or operated by such
20 person and, upon such restoration, be prohibited for the one-year
21 period following such restoration from operating a motor vehicle
22 unless such motor vehicle is equipped with a functioning, approved
23 ignition interlock device, as defined in section 14-227j, as amended by
24 this act, and (D) be guilty of a class D felony if a child under sixteen
25 years of age was in the motor vehicle at the time of the violation; (2) for
26 conviction of a second violation within ten years after a prior
27 conviction for the same offense, (A) be fined not less than one
28 thousand dollars or more than four thousand dollars, (B) be
29 imprisoned not more than two years, one hundred twenty consecutive
30 days of which may not be suspended or reduced in any manner, and
31 sentenced to a period of probation requiring as a condition of such
32 probation that such person: (i) Perform one hundred hours of
33 community service, as defined in section 14-227e, (ii) submit to an
34 assessment through the Court Support Services Division of the Judicial
35 Branch of the degree of such person's alcohol or drug abuse, and (iii)
36 undergo a treatment program if so ordered, and (C) (i) if such person is
37 under twenty-one years of age at the time of the offense, have such
38 person's motor vehicle operator's license or nonresident operating
39 privilege suspended for forty-five days or until the date of such
40 person's twenty-first birthday, whichever is longer, and, as a condition
41 for the restoration of such license, be required to install an ignition
42 interlock device on each motor vehicle owned or operated by such
43 person and, upon such restoration, be prohibited for the three-year
44 period following such restoration from operating a motor vehicle
45 unless such motor vehicle is equipped with a functioning, approved
46 ignition interlock device, as defined in section 14-227j, as amended by
47 this act, except that for the first year of such three-year period, such
48 person's operation of a motor vehicle shall be limited to such person's

49 transportation to or from work or school, an alcohol or drug abuse
50 treatment program or an ignition interlock device service center, or (ii)
51 if such person is twenty-one years of age or older at the time of the
52 offense, have such person's motor vehicle operator's license or
53 nonresident operating privilege suspended for forty-five days and, as a
54 condition for the restoration of such license, be required to install an
55 ignition interlock device on each motor vehicle owned or operated by
56 such person and, upon such restoration, be prohibited for the three-
57 year period following such restoration from operating a motor vehicle
58 unless such motor vehicle is equipped with a functioning, approved
59 ignition interlock device, as defined in section 14-227j, as amended by
60 this act, except that for the first year of such three-year period, such
61 person's operation of a motor vehicle shall be limited to such person's
62 transportation to or from work or school, an alcohol or drug abuse
63 treatment program or an ignition interlock device service center; and
64 (3) for conviction of a third and subsequent violation within ten years
65 after a prior conviction for the same offense, (A) be fined not less than
66 two thousand dollars or more than eight thousand dollars, (B) be
67 imprisoned not more than three years, one year of which may not be
68 suspended or reduced in any manner, and sentenced to a period of
69 probation requiring as a condition of such probation that such person:
70 (i) Perform one hundred hours of community service, as defined in
71 section 14-227e, (ii) submit to an assessment through the Court
72 Support Services Division of the Judicial Branch of the degree of such
73 person's alcohol or drug abuse, and (iii) undergo a treatment program
74 if so ordered, and (C) have such person's motor vehicle operator's
75 license or nonresident operating privilege permanently revoked upon
76 such third offense, except that if such person's revocation is reversed
77 or reduced pursuant to subsection (i) of section 14-111, such person
78 shall be prohibited from operating a motor vehicle unless such motor
79 vehicle is equipped with a functioning, approved ignition interlock
80 device, as defined in section 14-227j, as amended by this act, for the
81 time period prescribed in subdivision (2) of subsection (i) of section 14-
82 111. For purposes of the imposition of penalties for a second or third

83 and subsequent offense pursuant to this subsection, a conviction under
84 the provisions of subsection (a) of this section in effect on October 1,
85 1981, or as amended thereafter, a conviction under the provisions of
86 either subdivision (1) or (2) of subsection (a) of this section, a
87 conviction under the provisions of section 53a-56b, as amended by this
88 act, or 53a-60d, as amended by this act, or a conviction in any other
89 state of any offense the essential elements of which are determined by
90 the court to be substantially the same as subdivision (1) or (2) of
91 subsection (a) of this section or section 53a-56b, as amended by this act,
92 or 53a-60d, as amended by this act, shall constitute a prior conviction
93 for the same offense.

94 Sec. 2. Subsection (b) of section 14-227j of the general statutes is
95 repealed and the following is substituted in lieu thereof (*Effective*
96 *October 1, 2013*):

97 (b) Any person who has been arrested for a violation of subsection
98 (a) of section 14-227a, section 53a-56b, as amended by this act, or
99 section 53a-60d, as amended by this act, may be ordered by the court
100 not to operate any motor vehicle unless such motor vehicle is equipped
101 with an ignition interlock device, except that any person who has been
102 arrested for a violation of subsection (a) of section 14-227a, section 53a-
103 56b, as amended by this act, or section 53a-60d, as amended by this act,
104 where a child under sixteen years of age was in the motor vehicle at
105 the time of the violation shall be ordered by the court not to operate
106 any motor vehicle unless such motor vehicle is equipped with an
107 ignition interlock device. Any such order may be made as a condition
108 of such person's release on bail, as a condition of probation or as a
109 condition of granting such person's application for participation in the
110 pretrial alcohol education program under section 54-56g and may
111 include any other terms and conditions as to duration, use, proof of
112 installation or any other matter that the court determines to be
113 appropriate or necessary.

114 Sec. 3. Section 53a-56b of the general statutes is repealed and the

115 following is substituted in lieu thereof (*Effective October 1, 2013*):

116 (a) A person is guilty of manslaughter in the second degree with a
117 motor vehicle when, while operating a motor vehicle under the
118 influence of intoxicating liquor or any drug or both, he causes the
119 death of another person as a consequence of the effect of such liquor or
120 drug.

121 (b) Manslaughter in the second degree with a motor vehicle is (1) a
122 class C felony, [and the] or (2) a class B felony if the violation of this
123 section results in the death of a child sixteen years of age or younger.
124 The court shall suspend the motor vehicle operator's license or
125 nonresident operating privilege of any person found guilty under this
126 section for one year. The court shall also order such person not to
127 operate any motor vehicle that is not equipped with an approved
128 ignition interlock device, as defined in section 14-227j, as amended by
129 this act, for a period of two years after such person's operator's license
130 or nonresident operating privilege is restored by the Commissioner of
131 Motor Vehicles.

132 Sec. 4. Section 53a-60d of the general statutes is repealed and the
133 following is substituted in lieu thereof (*Effective October 1, 2013*):

134 (a) A person is guilty of assault in the second degree with a motor
135 vehicle when, while operating a motor vehicle under the influence of
136 intoxicating liquor or any drug or both, he causes serious physical
137 injury to another person as a consequence of the effect of such liquor or
138 drug.

139 (b) Assault in the second degree with a motor vehicle is (1) a class D
140 felony, [and the] or (2) a class B felony if the violation of this section
141 results in serious physical injury to a child sixteen years of age or
142 younger. The court shall suspend the motor vehicle operator's license
143 or nonresident operating privilege of any person found guilty under
144 this section for one year. The court shall also order such person not to
145 operate any motor vehicle that is not equipped with an approved

146 ignition interlock device, as defined in section 14-227j, as amended by
147 this act, for a period of two years after such person's operator's license
148 or nonresident operating privilege is restored by the Commissioner of
149 Motor Vehicles.

This act shall take effect as follows and shall amend the following sections:		
Section 1	<i>October 1, 2013</i>	14-227a(g)
Sec. 2	<i>October 1, 2013</i>	14-227j(b)
Sec. 3	<i>October 1, 2013</i>	53a-56b
Sec. 4	<i>October 1, 2013</i>	53a-60d

Section 1	<i>October 1, 2013</i>	14-227a(g)
Sec. 2	<i>October 1, 2013</i>	14-227j(b)
Sec. 3	<i>October 1, 2013</i>	53a-56b
Sec. 4	<i>October 1, 2013</i>	53a-60d

Statement of Purpose:

To establish enhanced penalties for persons who operate a motor vehicle under the influence of intoxicating liquor or drugs, or both, with a child sixteen years of age or younger in the motor vehicle.

[Proposed deletions are enclosed in brackets. Proposed additions are indicated by underline, except that when the entire text of a bill or resolution or a section of a bill or resolution is new, it is not underlined.]